

**REMARKS**

Claims 1-33 are now pending in the application. The remaining non-elected claims are withdrawn. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the remarks contained herein.

**REJECTION UNDER 35 U.S.C. § 102 AND 103**

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Suzuki, et al. (U.S. Pat. No. 6,643,463). This rejection is respectfully traversed.

Claims 3 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki, et al. (U.S. Pat. No. 6,643,463) in view of Ovadia (U.S. Pat. No. 7,181,140).

Claims 4 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki, et al. in view of Ovadia and in further view of Ozveren, et al. (U.S. Pub. No. 2002/0154347). Claims 5 and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki, et al. in view of Ozveren, et al. These rejections are respectfully traversed.

**SUZUKI ET AL.**

The applicants respectfully submit that the invention as recited in independent Claim 1 is distinguishable from Suzuki et al. In addition, all dependent claims based on claim 1 may also be patentably distinguished from Suzuki et al. To more fully appreciate applicants' position, please consider the following remarks which make reference to the enclosed Reference Diagrams 1 and 2:

In the present invention, "an optical communication system" forms "at least one logical-ring transmission path where an optical data signal transmitted from one communication node returns to the one communication node via other communication nodes". That is, the optical communication system of the present invention provides a ring network.

In contrast, in Suzuki et al., in the case in which transmission is performed from a 1<sup>st</sup> transmitting receiving apparatus 45 (see FIG. 3) to a 3rd transmitting/receiving apparatus 47, if a transmitter which is provided in the 3rd transmitting/receiving apparatus 47 and which transmits a particular wavelength (e.g.,  $\lambda_3$ ), is damaged, transmission is performed via, for example, a 6th transmitting receiving apparatus 50. That is, the route of transmitting/receiving apparatuses becomes 1st → 3rd → 6th. Specifically, as can be understood from FIG 2, the 1st transmitting/receiving apparatus transmits a signal to the 6th transmitting/receiving apparatus using wavelength  $\lambda_8$ , which is different from  $\lambda_3$  and the 6th transmitting/receiving apparatus transmits the thus transmitted signal as it stands to the 3rd transmitting/receiving apparatus using wavelength  $\lambda_8$ .

Moreover, Reference Diagrams 1 and 2 illustrate another example of the embodiments of Suzuki et al. Referring to Reference Diagram 1, in the normal operation state (i.e., no transmissions are damaged), two-way communications are performed between nodes (i.e., transmitting/receiving apparatuses) 1 and 3 using wavelength  $\lambda_3$ . If transmission from the node 1 toward the node 3 relating to wavelength  $\lambda_3$  is damaged, a detour route is provided on an alternate path using  $\lambda_7$ , thereby maintaining the two-way communications. Although optical signals transmitted using  $\lambda_7$  pass through the nodes

7 and 5, these nodes 7 and 5 do not share data included in the optical signals. The data merely passes through the nodes 7 and 5. The structure of Suzuki et al. shown in Reference Diagram 1 is topologically equivalent to communications between two sites (i.e., two nodes) as shown in the right-hand figure of Reference Diagram 2. This is essentially different from a ring network as employed by the present invention.

With respect to the foregoing feature of the present invention, the Examiner points out FIG 3 of Suzuki et al. and asserts that "a data can be transmitted from a node and returned". However, as can also be understood from the aforementioned explanations, Suzuki et al. merely disclose: transmission from a source transmitting/receiving apparatus to a destination transmitting/receiving apparatus using an AWG; and transmission from a source transmitting/receiving apparatus to a destination transmitting/receiving apparatus through a transit transmitting/receiving apparatus using the AWG. In Suzuki et al., the source transmitting/receiving apparatus is different from the destination transmitting/receiving apparatus. For example, FIG 3 of Suzuki et al. pointed out by the Examiner merely includes the following routes of transmitting/receiving apparatuses: 1st →3rd; 1st → 6th → 3rd; and 1st → 7th →5th →3rd. Suzuki et al. neither disclose nor suggest the foregoing feature of the present invention. Therefore, the present invention would not have been anticipated from Suzuki et al.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner states that claim 33 is allowed and claims 6-29 would be allowable if rewritten in independent form. Applicants have not amended claims 6-29 into independent

form at this time, inasmuch as it is believed that applicants' arguments regarding Suzuki et al. and independent claim 1 obviate the need to make such amendments. Reconsideration of the objected to claims is therefore courteously solicited.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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